

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NATASHA SEVERIN and GALINA  
COTOVA, individually and on Behalf of  
all others similarly situated,

No. 10 Civ. 9696(DLC)

Plaintiffs,

- against -

**DECLARATION**

PROJECT OHR, INC.,

Defendant.

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I, Michael S. Arnold, Esq., pursuant to 28 U.S.C. §1746, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. I am associated with the law firm of Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. I submit this Declaration on behalf of Project OHR, Inc. in opposition to plaintiffs' Motion for Class Certification.

2. Attached as Exhibit 1 is a true and correct copy of the transcript from the hearing the Court conducted on December 16, 2011 in which it denied plaintiffs' motion to authorize a collective action notice. My firm secured this transcript from Southern District Reporters, P.C.

3. Attached as Exhibit 2 are true and correct copies of selected portions of an agreement entered into by the New York City Department of Social Services/Human Resources Administration and Project OHR, Inc. (D85, 97-98, 105 & 115).

4. Attached as Exhibit 3 are true and correct copies of selected portions of the Project OHR Client Handbook, revised as of October 2009 (D3457, 3461-3462, 3466).

5. Attached as Exhibit 4 are true and correct copies of relevant transcript portions from the Deposition of Anna Reydman, dated September 23, 2011.<sup>1</sup>

6. Attached as Exhibit 5 are true and correct copies of relevant transcript portions from the Deposition of Susan Schaefer, dated September 28, 2011.

7. Attached as Exhibit 6 are true and correct copies of relevant transcript portions from the Deposition of D'vorah Kohn, dated September 26, 2011.

8. Attached as Exhibit 7 are true and correct copies of relevant transcript portions from the Deposition of Galina Cotova, dated September 8 & 16, 2011.

9. Attached as Exhibit 8 are true and correct copies of relevant transcript portions from the Deposition of Natasha Severin, dated September 20, 2011.

10. Attached as Exhibit 9 is a true and correct copy of the Declaration of Blossom King, dated April 19, 2012.

11. Attached as Exhibit 10 are true and correct copies of Time and Attendance Records for Severin for the weeks ending April 17, 2009 (D985), April 24, 2009 (D984), May 1, 2009 (D981), July 27, 2007 (D1075) and August 3, 2007 (D1074), and for Cotova for the weeks ending August 12, 2005 (D481), August 19, 2005 (D482), November 4, 2005 (D492), November 11, 2005 (D493), September 1, 2006 (D518), November 10, 2006 (D519), November 24, 2006 (D520), and December 1, 2006 (D521).

12. Attached as Exhibit 11 are true and correct copies of a Nurse's Assessment Visit Report for a Project OHR client that Severin provided with home care services (D03139-3147).

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<sup>1</sup> Project OHR does not submit the full deposition transcripts to avoid a voluminous filing. It will however, file the full deposition transcripts upon request from the Court. Further, consistent with Project OHR's HIPAA obligations, it has redacted the names of Project OHR clients where they appear in the transcripts. For the same reason, Project OHR has redacted client names and social security numbers wherever they appear in the exhibits submitted with this declaration. Where appropriate, Project OHR has identified the client in the exhibit by the client's Client ID number. Client names and social security numbers are not relevant to plaintiffs' motion.

13. Attached as Exhibit 12 are true and correct copies of selected portions of the Project OHR Employee Handbook and relevant wage scales appended to the Handbook (D44, 56-57, 81, 173, 211).

14. Attached as Exhibit 13 are true and correct copies of selected portions of the Collective Bargaining Agreement and Memoranda of Understanding entered into by and between Project OHR, Inc. and 1199/SEIU New York's Health and Human Services Union that set home attendant wage rates (D1, 8-10, 29-30, 33-34, 40-41).

15. Attached as Exhibit 14 are true and correct copies of Galina Cotova's Sleep-in Agreement (D300) and Natasha Severin's Sleep-in Agreement (D1294).

16. Attached as Exhibit 15 is a copy of the Service Authorization History for a client that Cotova serviced (D3641).

17. Attached as Exhibit 16 is a true and correct copy of the Declaration of Elizabeth Vladimirov, dated November 23, 2011.

18. Attached as Exhibit 17 is a true and correct copy of Natasha Severin's Employment Application, dated November 17, 2004 (D1309-10).

19. Attached as Exhibit 18 is a true and correct copy of a New York State Department of Labor Opinion Letter (RO-9-0169), dated March 11, 2010.

Dated: April 20, 2012  
New York, New York

/s/ Michael S. Arnold  
Michael Arnold

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